IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 6414 of 2006
Date of Decision: 01.12.2006

Suraj Bhan ...Petitioner

Versus

Ravinder Sood ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri A.K. Ahluwalia, Advocate, for the petitioner.

HEMANT GUPTA, J.

The tenant is in revision petition aggrieved against the order passed by the Courts below, whereby the petitioner has been ordered to be evicted on the ground that he has ceased to occupy the demised premises for a period of four months without any sufficient cause and that the building has become unfit and unsafe for human habitation.

To support the finding that the petitioner has ceased to occupy the premises, the learned Appellate Authority, has relied upon the fact that there is no electric consumption for a long time, except one time consumption of about 100 units and also took into consideration the admission of the tenant that he has left the business of Kulfi, which he was carrying out in the demised premises and started the same in some other place about 7/8 years back. The Court has further taken into consideration the statement of the tenant that the demised premises is being used as a godown. Though some household articles of the tenant are lying in the demised premises, yet it was found that mere presence of such like articles

can not be a ground to hold that the demised premises is being used by the tenant.

In respect of the ground of eviction that the building has become unfit and unsafe for the human habitation, though the tenant has taken a stand that repair of the roof of the building and the plaster was done with the consent of the landlord about 11/12 years back, but it was found that the said stand is not sustainable. It was found that three walls of the premises in dispute are made of small bricks, which were in use more than 60/70 years back. The photographs produced by the tenant pertain to the area of roof, which appears to have been changed during the pendency of the petition. On the other hand, the photographs produced on record by the landlord show the bad condition of the demised premises and the report of the expert witness produced by the landlord leaves no manner of doubt that the building has become unfit and unsafe for human habitation. As per the report, the wooden shatirs are eaten by white ants, walls are out of plaster and the foundation is sagging.

The findings recorded by the authorities below cannot be said to be suffering from any patent illegality or irregularity, which may warrant interference by this Court, in exercise of its revisional jurisdiction. The findings are recorded on the basis of evidence on record.

Hence, the present revision petition is dismissed in limine.

01-12-2006 (HEMANT GUPTA)
ds JUDGE